

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN PATRICK KLINE,

Defendant.

CR 20–12–BU–DLC

ORDER

Before the Court is United State Magistrate Judge Kathleen L. DeSoto’s Findings and Recommendation Concerning Plea. (Doc. 45.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Mr. Kline is charged with one count of receipt of a firearm and ammunition with intent to commit a felony, in violation of 18 U.S.C. § 924(b). (Doc. 32.) Based on Mr. Kline’s appearance before Judge DeSoto, pursuant to Federal Rule of Criminal Procedure 11, she recommends that this Court adjudge him guilty of the aforementioned offense, defer acceptance of the Plea Agreement (Doc. 31)

until it has reviewed the agreement and the Presentence Investigation Report, and impose the agreed forfeiture against him. (Doc. 45 at 2.) Reviewing these recommendations for clear error, the Court finds none.

Accordingly, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 45) IN FULL.

IT IS FURTHER ORDERED that Mr. Kline's motion to change plea (Doc. 33) is GRANTED, and he is adjudged guilty as charged in the sole count of the Superseding Information.

IT IS FURTHER ORDERED that in light of the United States' Unopposed Motion for Preliminary Order of Forfeiture (Doc. 46), the Court will adjudicate the issue of forfeiture by separate order.

DATED this 6th day of November, 2020.



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Dana L. Christensen, District Judge  
United States District Court